

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
VINCENTE CARRASCO FLORES and
VALERIYA MUKHINA,

17-cv-6915 (LGS)

Plaintiffs,

-against-

NYC PASTA AND RISOTTO CO. LLC
(d/b/a RADICCHIO PASTA AND
RISOTTO CO.), SATINDER SHARMA
and DANIEL MONTOYA

Defendants.

-----X
NOTICE OF MOTION FOR JUDGMENT AS A MATTER OF LAW

PLEASE TAKE NOTICE that, upon the annexed memorandum of law and attached exhibits, Defendant Satinder Sharma will move this Court, on May 20, 2019, or such date and time the Court sets, for an order pursuant to FRCP 50(b), granting judgment as a matter of law after a jury trial to Defendant on the matters set forth in the memorandum of law and granting such other, further and different relief as the Court deems just and proper.

Dated: April 29, 2019
New York, New York

/s/ Bryce Jones
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**MEMORANDUM OF LAW IN SUPPORT OF DEFENDANT SATINDER SHARMA'S
MOTION FOR JUDGMENT AS A MATTER OF LAW**

On September 6, 2018, Defendants moved for Judgment as a Matter of Law under FRCP 50(a), based in part on the verdict entered and affirmed by the Second Circuit in *Tapia v. BLCH 3rd Ave. LLC*, 2016 U.S. Dist. LEXIS 118313 at *23 (S.D.N.Y. Sep. 1, 2016), finding that Defendant Sharma was not individually liable for violations of the New York Labor Law (or the Fair Labor Standards Act) in conjunction with another of Mr. Sharma's business ventures substantially similar to that contemplated by the instant case.

For the sake of preserving Defendants' argument with the Second Circuit, Defendant moves under Rule 50(b) for the reasons previously stated in his earlier Motion for Judgment as a Matter of Law (Dkt. No. 62) and his related Motion for Reconsideration (Dkt. No. 78). In furtherance thereof, the following documents have been attached as exhibits hereto:

- Exhibit 1: Defendant Sharma's Motion for Judgment as a Matter of Law, pursuant to Rule 50(a) (Dkt. No. 62, filed Sept. 6, 2018);

- Exhibit 2: *Tapia et al. v. Blch 3rd Ave. LLC et al.*, No. 17 Civ. 2718 (2d Cir. 2018) (per curium);
- Exhibit 3: Defendant Sharma's Memorandum of Law in Support of his Motion for Reconsideration (of his Motion for Judgment as a Matter of Law) (Dkt. No. 78, filed October 10, 2018);
- Exhibit 4: Bench Trial Transcript (April 18, 2016).

Dated: April 29, 2019
New York, New York

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